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## **City of Reading City Council**

### **Regular Meeting**

**Monday, January 28, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Minister Danny Moore, of the Holy Trinity Church.

All present pledged to the flag.

### **ATTENDANCE**

Council President Spencer  
Councilor Stephen Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Stratton Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Mayor T. McMahon  
Managing Director L. Churchill  
City Solicitor C. Younger  
City Auditor D. Cituk  
City Clerk L. Kelleher  
Public Works Director C. Jones

### **PROCLAMATIONS AND PRESENTATIONS**

City Council issued award certificates in recognition of the accomplishments of athletes from Reading and Holy Name Senior High Schools.

Mayor McMahon issued a proclamation recognizing the Reading Community Players for their recent performance of "Lightning Train." The

proclamation was accepted by Ruth Martelli, representing Reading Community Players.

### **PUBLIC COMMENT**

Council President Spencer announced that three citizens were registered to address Council; one citizen wishing to address legislation on tonight's agenda and two citizens registered to speak on general matters. He inquired if Council wished to suspend the public speaking rules to allow the three citizens to speak at this point in the meeting. As there was no objection, the public speaking rules were suspended allowing all citizens to speak at the beginning of the meeting. Council President Spencer reminded the three citizens of the remaining public speaking rules.

**Deb James**, representing the Reading Berks Association of Realtors (RBAR) expressed the belief that a pre-settlement inspection is more desirable. She reiterated comments listed by Managing Director Churchill at the Work Session on Tuesday, January 19, 2008. She thanked City officials for considering RBAR's input.

**Jennaro Pullano**, of Blair Ave., commented on the court ruling requiring residency for the Community Development Director. He expressed the belief that economic and community development should benefit City residents. He also expressed the belief that too much economic development and community development money has been awarded to Our City Reading. He questioned the creation of living wage jobs for Reading residents at new City businesses like Sun Fresh Foods, Hydrojet, etc. He noted the need for records at companies funded by community development money, such as Goggleworks, to be open to public inspection.

**Stefan Kosikowski**, of S. 17<sup>th</sup> Street, expressed his belief in the application of the residency requirement for the heads of all offices, departments, and agencies. He asked City officials to enforce the recent decision pertaining to residency.

### **APPROVAL OF AGENDA**

Council President Spencer called Council's attention to the minutes from the January 14, 2008 regular meeting of Council and the agenda for this meeting. He noted the need for the agenda to include the following amendments:

- Withdrawal of the Post Settlement Health and Safety Review Ordinance listed under Ordinances for Final Passage
- Introduction of the new draft of the Post Settlement Health and Safety Review Ordinance
- Resolution pertaining to the HARB Certificate of Appropriateness for the demolition of 713, 715, and 717 Laurel St.

**Councilor Waltman moved, seconded by Councilor Marmarou, to approve the January 14, 2008 regular meeting minutes and the agenda as amended, including the legislation listed under the consent agenda heading. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Award of Contract-** award the general prime contract to JEM Contracting, 10 West William Street, Schuylkill Haven, PA 17972 and the fire protection prime contract to S. A. Comunale, 2130 Spring Street, West Lawn, PA 19609, who are the low bidders, at a total submitted bid price of \$140,223.00 for the conversion of the Washington Fire Station into an Evidence/Bomb Squad storage facility for the Police Department. **(Purchasing)**

**Award of Contract-** to Doug Lamb Construction, Inc., 1180 Zeager Road, Elizabethtown, PA, 17022, at a total bid price of \$329,650.00 for the Phase II Playground Improvements at City Park Playground for the Departments of Public Works and Community Development. **(Purchasing)**

**Resolution-** authorizing the disposition of Municipal Tax Records. **(Tax Administration)**

**Resolution-** authorizing the disposition of Statements of Financial Interest. **(Council Staff)**

### **ADMINISTRATIVE REPORT**

Mayor McMahon read the State of the City report distributed to Council at the meeting covering the following:

- 2007 crime reduction and enhanced police efforts in 2008
- economic development update
- improved performance of Codes Enforcement officers
- 2008 financial goals

Councilor Sterner thanked the Mayor for the report. He expressed the belief that City Council's work to adopt quality of life ordinances has also assisted with the crime reduction noted.

Councilor Marmarou thanked the Mayor for his excellent report. He expressed the belief that the new deployment in the Police Department will continue to reduce crime. He stressed the need for citizens to continue to report things they see in their neighborhoods so City departments can take appropriate steps.

Councilor Goodman-Hinnershitz stated that Reading is making positive progress and moving in the right direction. She agreed with the Mayor's comments on the need for a family and community group approach. She stated that she was encouraged by the economic development activities during the course of 2007. She also noted that improved City Ordinances have stimulated property owners to rehabilitate properties. She added that efforts of elected officials and City employees continue to push property owners to continue to make property improvements.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- Update on the collection of 2007 admissions fee
- Update on the collection of 2007 Real Estate Transfer Tax
- Auditor's meeting with the Allentown Controller

Councilor Waltman thanked the Auditor for his report. He pointed out the 25% reduction in home sales compared to an 8% reduction in Real Estate Transfer Tax revenue. He expressed the belief that even in a slumped real estate market, the turnover of properties in Reading is still brisk.

Councilor Fuhs thanked the Auditor for his report and suggested that the Administration review the expectations in the 2008 budget and make the appropriate adjustments. He inquired how the budget estimates are derived for the Admissions Tax. City Auditor Cituk replied that the Admissions Tax estimates listed in the budget are derived by trends in economic indicators.

Councilor Fuhs also inquired about the receipt of fees and taxes by Reading based businesses and citizens. He inquired if those reports and tax returns are audited. City Auditor Cituk stated that the Tax office has the ability to audit these records.

Council President Spencer questioned the meaning of “Other Sovereign Center” listed under the Admissions Fee/Tax. City Auditor Cituk explained that it is revenue generated from events like concerts, wrestling, etc. occurring at the Sovereign Center.

Councilor Goodman-Hinnershitz inquired if the Admissions Tax will apply at the new IMAX theater. City Auditor Cituk replied that he would investigate and report back.

City Auditor Cituk noted the work of the Auditor’s office and the Administration to correct the submission of the Admissions Tax by those organizations required to submit.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 02-2008** - amending the City of Reading Zoning Ordinance to permit Fire Houses by Conditional Use in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts. **(Solicitor/Zoning Administration/Planning)** *Introduced at the 10/22/07 meeting of Council; reintroduced at the 12/17/07 meeting of Council and tabled pending the holding of a public hearing and expiration of comment period*

**Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 2-2008.**

City Solicitor Younger explained that the enactment of this Ordinance will allow firehouses by conditional use approval in the R-PO, C-H, M-C and H-M zoning districts.

**Bill 2-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 03-2008** - authorizing an increase to the Police Pension for those officers retiring before 2000. **(Police Pension Board)**

**Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 3-2008.**

Councilor Fuhs stated that he will support this appropriate increase for those who served in the Reading Police Department.

Councilor Goodman-Hinnershitz noted that the Ordinance originated from the Police Pension Board and is stratified based on the year the Police Officer retired.

Councilor Sterner inquired about the financial impact of this increase. Managing Director Churchill replied that there will be no immediate impact. Any future impact will depend on the performance of the Police Pension investments. He stated that at worse, any impact could affect the City's MMO.

Councilor Waltman stated that he is pleased to see this issue come forward to City Council. He requested that in the future pension increases be included in contract negotiations.

Mayor McMahon noted that this increase was discussed for many months by the Police Pension Board who decided to refer this recommendation to the body of Council.

City Auditor Cituk stated that the Pension Board unanimously agreed to move this issue forward for Council consideration. He expressed the belief that a future economic impact to the MMO of \$225,000 will begin in 2009.

Councilor Fuhs noted that this is the first increase passed on to Police Department retirees in over 10 years. City Auditor Cituk agreed noting that the last COLA occurred in either the 1960's or 1970's.

Councilor Fuhs noted that Police do not have the ability to collect Social Security benefits. Captain Shafer noted that police officers can collect 40% of Social Security tax paid if they have contributed for a minimum of 20 years through employment outside the City.

Councilor Marmarou announced that he will be abstaining from this vote as he is retired from the Police Department.

**Bill 3-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Sterner, Waltman, Spencer President – 6.**

**Nay: None – 0.**

**Abstain: Marmarou -1.**

**Bill No. 04-2008** - amending the 2008 City of Reading Full-Time Position Ordinance, by eliminating the position of Sergeant and creating the position of Lieutenant in Police Administration. **(Chief Heim)**  
*Introduced at the 01/14/08 Regular Meeting of Council.*

**Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 4-2008.**

**Bill 4-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 05-2008** - amending the Codified Ordinances of the City of Reading by adding to Chapter 10, Health and Safety, a Health and Safety Inspection Ordinance, which will require the inspection of all properties within the City of Reading after any sale or transfer of property.  
**(Codes/Solicitor) Replacing Bill No. 85-2007, which was withdrawn at the Administrations request; introduced at the 01/14/08 Regular Meeting of Council.**

Council President Spencer stated that the Administration has asked to withdraw this Ordinance from Council consideration.

**Bill No. 06-2008** - authorization for dedication of St. Bernadine Street as a public roadway through Angelica Park to Route 10 **(Solicitor)**  
*Introduced at the 01/14/08 Regular Meeting of Council.*

**Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 6-2008.**

Public Works Director Jones explained that the approval of this Ordinance will change the City's topographical map to include the paper road currently running through Angelica Park. He stated that with the enactment of this Ordinance, St. Bernadine St. will become a public roadway.

Councilor Goodman-Hinnershitz and Managing Director Churchill noted the partnership the City has with Alvernia College.

**Bill 6-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 07-2008** - amending the City of Reading Codified Ordinances, Chapter 13 - Licenses, Permits and Business Regulations, by adding a new Section 15 entitled Scrap Metal Dealers. **(Council Staff/Deputy Chief Talbot)** *Introduced at the 01/14/08 Regular Meeting of Council; reviewed and discussed at the 01/22/08 meeting of the Public Safety Committee.*

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 7-2008.**

Council President Spencer explained that this Ordinance was initiated through the request of the Deputy Police Chief to address the ongoing problem with the theft of copper and other precious metals at homes and industry.

Managing Director Churchill noted that this is a fine example of the Police Department's efforts to work with the data pertaining to Part 1 crimes.

Councilor Sterner noted the need to educate citizens and dealers about the requirements in this ordinance. He noted the Police Department's commitment to assist dealers in the implementation of these requirements.

Councilor Goodman-Hinnershitz agreed with the need to create State-wide legislation regarding this issue. She agreed with the proactive and preventative approach being taken.

**Bill 7-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 08-2008** - amending Chapter 10 Health and Safety, Section 407 Parking Trucks, Trailers and Mobile Homes, by prohibiting the Parking of Trucks, Trailers and Mobile Homes in all areas designated as preservation zones in the City of Reading. **(Council Staff/Police Department)** *Introduced at the 01/14/08 Regular Meeting of Council.*



**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 8-2008.**

Council President Spencer stated that the need for amendment was identified by Council staff and the Deputy Police Chief.

**Bill 8-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 09-2008** - amending the City of Reading Codified Ordinances Chapter 1 – Administration and Government, Section H Department Organization, Exhibit A – Purchasing Procedures, by adding a new Section 8.0 entitled Protection of Integrity in Government. ***(Fuhs) Introduced at the 01/14/08 Regular Meeting of Council.***

**Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill 9-2008.**

**Bill 9-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 10-2008** - refunding of a series of General Obligation Bonds. (Managing Director/Finance Director) ***Discussed at the 01/14/08 Committee of the Whole Meeting; introduced at the 01/14/08 Regular Meeting.***

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 10-2008.**

**Bill 10-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** Increasing the salary for the Managing Director to \$118,820.64, retroactive to June 20, 2007. **(Mayor)**

**Ordinance-** Increasing the salary of the Fire Chief to \$73,771.17 per annum retroactive to January 1, 2008. **(Managing Director)**

**Ordinance-** Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. **(Managing Director)**

**Ordinance-** amending the City of Reading Codified Ordinances, Chapter 1, Section 1-120 Council Committees, by changing the name of the Administrative Oversight Committee to Administrative and Land Use Committee. **(Council Staff)**

**Ordinance-** amending the City of Reading Codified Ordinances Fee Schedule by adding fees for the printing or copying of maps. **(Council Staff/Traffic Engineering)**

**Ordinance No. 05-2008** - amending the Codified Ordinances of the City of Reading by adding to Chapter 10, Health and Safety, a Health and Safety Inspection Ordinance, which will require the inspection of all properties within the City of Reading after any sale or transfer of property. **(Codes/Solicitor)** *Replacing Bill No. 85-2007, which was withdrawn at the Administrations request; introduced at the 01/14/08 Regular Meeting of Council.*

## **RESOLUTIONS**

**Resolution 10-2008** - appointing a Vice President of Council for a two year term **(Council Staff)**

**Councilor Marmarou moved, seconded by Councilor Fuhs, to appoint Stephen Fuhs as Vice President of Council for a two year term.**

Councilor Sterner commended Councilor Waltman for a job well done over the past four years and his outstanding commitment to the Reading City Council.

Council President Spencer explained that the Vice President of Council fills in for the President when he is unavailable. He noted that this generally occurs only once or twice annually.

Councilor Waltman stated he has been honored to serve Council in this capacity. He noted that Council President Spencer's commitment in his role makes serving as Vice President very easy. He stated that as he enters his third term on City Council he has been pleased to serve along with his colleagues. He agreed with the need to allow other City Councilors to serve in this role but noted the value of experience and knowledge.

**Resolution 10-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 11-2008** - reappointing Linda A. Kelleher to the position of City Clerk (**Council Staff**)

**Councilor Baez moved, seconded by Councilor Marmarou, to adopt Resolution 11-2008.**

Council President Spencer noted that, although the City Clerk heads the legislative branch of government, the City Clerk also serves the City as an entity much in the same way as the City Solicitor.

Councilor Sterner noted the commitment of Ms. Kelleher and her ability to keep up with the never-ending demands.

Councilor Baez stated that she will support the reappointment of the City Clerk due to her efficiency and dedication to the members of Council.

Councilor Goodman-Hinnershitz noted Ms. Kelleher's great knowledge of government services and her assistance in creating and implementing many Ordinances and Resolutions along with citizen complaints.

Council President Spencer thanked the Administration for allowing City Council to add staff to the Council office in recognizing the need for a seven member Council to be supported by more than one person.

**Resolution 11-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 12-2008** - adopting the 2008-2010 Council Committee structure (Council Staff)

**Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 12-2008.**

Council President Spencer gave an overview of the change which will pair the Finance Committee with the Public Safety Committee on the first Monday of the month with the Administrative Oversight and Land Use Committee and Public Works Committee on the third Monday of each month.

Councilor Waltman noted that he started serving on the Finance Committee eight years ago. He noted the Finance Committee's work to address many critical and budgetary issues.

**Resolution 12-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 13-2008** - approving the appeal to the HARB Certificate of Appropriateness for the demolition of 713, 715 and 717 Laurel St

**Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 13-2008.**

Council President Spencer stated that Council members held an evidentiary hearing on this matter approximately one week ago. He noted the blight these properties currently create in this neighborhood. He described United Corrstacks desire to improve the streetscape in this neighborhood.

Councilor Goodman-Hinnershitz thanked United Corrstacks for being a good neighbor and working to improve this gateway to East Reading.

**Resolution 13-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Marmarou explained that he needed to abstain from the vote on the Police Pension Ordinance as he is a retiree. He noted the many thanks that have been received from the many retirees.

City Auditor Cituk explained there are approximately 100 police retirees who receive less than \$1000 per month.

Councilor Fuhs thanked Councilor Waltman for his eight years of service as the Council Vice President.

Councilor Fuhs explained the mission of the pay to play ordinance tabled at this evening's meeting.

Councilor Baez congratulated the students recognized from Holy Name and Reading Senior High Schools this evening. She noted the upcoming Glenside Neighborhood Group meeting and the GREAT Graduation scheduled for Glenside Elementary School.

Councilor Sterner expressed his congratulations to the students from Reading and Holy Name High Schools. He also announced the upcoming Crime Watch meeting for the 13<sup>th</sup> & Green area.

Councilor Goodman-Hinnershitz described the great activities of all District 2 community groups. She noted the upcoming District 2 community group meetings. She also noted the upcoming Groundhog Day celebration.

Mayor McMahon stated that on Wednesday night a teach-in program will occur at area colleges. The teach-in will be conducted by a professor in California on environmental issues.

Council President Spencer stated that when funded by public dollars the financial records of an organization needs to be open for public review. He also agreed with the increase provided to Police Pensioners.

Council President Spencer announced the upcoming Council meeting schedule.

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher  
City Clerk